

United States District Court
Northern District of California

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AIRGAS ON-SITE SAFETY SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DIANE BROWN; KIERRE TOWNSEND,
on behalf of themselves, all others similarly
situated,

Plaintiffs,

v.

AIRGAS ON-SITE SAFETY SERVICES,
INC., a Delaware Corporation; and DOES
1-50, inclusive,

Defendants.

Case No. 13-cv-04975 JST

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER GRANTING
PLAINTIFF LEAVE TO FILE FIRST
AMENDED COMPLAINT**

{Fed. R. Civ. Proc. Sec. 15(a)(2)-(3)}

{Local Rule 7 - 12}

Complaint filed: October 25, 2013

JOINT STIPULATION

This Stipulation is made by and between plaintiffs Dianne Brown, and Kierre Townsend (“Plaintiffs”) and defendants Airgas Onsite Safety Services A Delaware Corporation (“Defendant”), through their respective counsel of record, with reference to the following facts:

WHEREAS, on October 25, 2013, Plaintiff filed the original complaint in the action alleging wage and hour violations of California Labor Code against Defendants;

WHEREAS, Plaintiff and Defendant (collectively “the Parties”) have agreed that Plaintiff may file the [Proposed] First Amended Complaint, which is attached as Exhibit A to this Stipulation, for the purpose of (1) modifying the class definition; (2) adding ; GULF SOUTH SAFETY CONSULTANTS, L.L.C., a Louisiana limited liability corporation.

WHEREAS, the Parties wish to avoid the filing and hearing on a motion for leave to file an amended complaint, in order to avoid a waste of judicial resources and unnecessary attorneys’ fees; and

WHEREAS, the Parties have agreed that, except as otherwise stated, nothing in this Stipulation shall operate as a waiver of any rights, claims or defenses they may have in this action.

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. Pursuant to Rule 15(a)(2)-(3) of the Federal Rules of Civil Procedure. Plaintiff is granted leave of court to file the [Proposed] First Amended Complaint attached as Exhibit A to this Stipulation. ~~The [Proposed] First Amended Complaint will be deemed filed and served as of the date on the Order granting this Stipulation.~~

2. Defendants shall have 14 days after service of the First Amended Complaint or this Court’s approval of this Stipulation, whichever is later, to file any response to Plaintiff’s First Amended Complaint;

3. Except as otherwise stated, nothing in this Stipulation shall operate as a waiver of any rights, claims or defenses that either Plaintiff or Defendants may have in this action.

1 IT IS SO STIPULATED.

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3 Dated: July 25, 2014

/s/ Dennis M. Brown
DENNIS M. BROWN
LITTLER MENDELSON, P.C.
Attorneys for Defendant
AIRGAS ON-SITE SAFETY SERVICES,
INC.

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8 Dated: July 25, 2014

/s/ Shaun Setareh
SHAUN SETAREH
SETAREH LAW GROUP
Attorneys for Plaintiffs
DIANE BROWN and KIERRE TOWNSEND

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13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 The plaintiff shall file the first amended complaint as a separate
15 docket entry no later than August 1, 2014.

16 Dated: July 30, 2014

